

DECLARATION AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled "OPTICAL SWITCHING AND ATTENUATION SYSTEMS AND METHODS THEREFOR", the specification of which is filed herewith, and is identified by Attorney's Docket No. CORE-4147.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim priority benefits under Title 35, United States Code, Section 119(e), of United States Provisional Patent Application Serial No. 60/079,994 filed 3/30/98 for OPTICAL SWITCHING USING MICRO-ELECTROMECHANICAL TECHNIQUE, and United States Provisional Patent Application Serial No. 60/105,940 filed 10/28/98 for VARIABLE OPTICAL ATTENUATOR.

I hereby appoint Pandiscio & Pandiscio, a firm composed of Nicholas A. Pandiscio, Registration No. 17293, Mark J. Pandiscio, Registration No. 30883, David A. Tucker, Registration No. 27840, and Scott R. Foster, Registration No. 20570, or any of them, of

470 Totten Pond Road, Waltham, Massachusetts 02451-1914,  
(Telephone No. 781-290-0060), my attorneys with full power of  
substitution and revocation, to prosecute this application and to  
transact all business in the U.S. Patent and Trademark Office  
connected therewith.

I hereby declare that all statements made herein of my own  
knowledge are true and that all statements made on information  
and belief are believed to be true; and further that these  
statements were made with the knowledge that willful false  
statements and the like so made are punishable by fine or  
imprisonment, or both, under Section 1001 of Title 18 of the  
United States Code and that such willful false statements may  
jeopardize the validity of the application or any patent issued  
thereon.

Inventor's signature:

---

Inventor's full name:

Parviz Tayebati

---

Date:

---

Residence:

118 Pierce Road

---

Watertown, MA 02172

---

Post office address:

same

---

Citizenship:

Iran

---

Inventor's signature: \_\_\_\_\_

Inventor's full name: Daryoosh Vakhshoori

Date: \_\_\_\_\_

Residence: 10 Rogers Street, Apt. 205

Cambridge, MA 02142

Post office address: same

Citizenship: Iran

Inventor's signature: \_\_\_\_\_

Inventor's full name: Masud Azimi

Date: \_\_\_\_\_

Residence: 6 Danforth Road, #9

Nashua, NH 03060

Post office address: same

Citizenship: Iran

MR/CORE4147.DEC

DECLARATION AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled "OPTICAL SWITCHING AND ATTENUATION SYSTEMS AND METHODS THEREFOR", the specification of which was filed on March 30, 1999, accorded Serial No. 09/281,406, and is identified by Attorney's Docket No. CORE-4147.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim priority benefits under Title 35, United States Code, Section 119(e), of United States Provisional Patent Application Serial No. 60/079,994 filed 3/30/98 for OPTICAL SWITCHING USING MICRO-ELECTROMECHANICAL TECHNIQUE, and United States Provisional Patent Application Serial No. 60/105,940 filed 10/28/98 for VARIABLE OPTICAL ATTENUATOR.

I hereby appoint Pandiscio & Pandiscio, a firm composed of Nicholas A. Pandiscio, Registration No. 17293, Mark J. Pandiscio, Registration No. 30883, Scott R. Foster, Registration No. 20570, and William A. Bonk, III, Registration No. 40,521, or any of them, of 470 Totten Pond Road, Waltham, Massachusetts 02451-1914, (Telephone No. 781-290-0060), my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's signature:

✓ Parviz Tayebati

Inventor's full name:

Parviz Tayebati

Date:

✓ 8/6/99

Residence:

118 Pierce Road

Watertown, MA 02172

Post office address:

same

Citizenship:

Iran

Inventor's signature: ✓ Daryoosh Vakhshoori  
Inventor's full name: Daryoosh Vakhshoori  
Date: 7/29/99.  
Residence: 10 Rogers Street, Apt. 205  
Post office address: same  
Citizenship: Iran

Inventor's signature: ✓ Masud Azimi  
Inventor's full name: Masud Azimi  
Date: 8/5/99  
Residence: 6 Danforth Road, #9  
Post office address: Nashua, NH 03060  
Citizenship: same  
Iran

MR/CORE4147.DE2

CORE-4147

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Parviz Tayebati et al.  
Title: OPTICAL SWITCHING AND ATTENUATION  
SYSTEMS AND METHODS THEREFOR  
Attorney's Docket No.: CORE-4147

Assistant Commissioner For Patents  
Washington, D.C. 20231

Sir:

VERIFIED STATEMENT CLAIMING SMALL BUSINESS ENTITY STATUS

The undersigned, Parviz Tayebati, hereby declares that he is President of CoreTek, Inc., a Delaware corporation having a principal place of business at 25 S Street, Burlington, Massachusetts 01803, and is empowered to act on behalf of said corporation in this matter; that said corporation qualifies as a small business concern as defined in 13 C.F.R. 121.3-18 for purposes of paying reduced fees under Title 35, United States Code, Sections 41(a) and (b), in that the number of employees of said corporation, including those of its affiliates, does not exceed 500 persons.

For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I further declare, on information and belief, that exclusive rights under contract have been conveyed to and remain in said corporation with regard to the invention described and claimed in the above-identified U.S. patent application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false

CORE-4147

statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, Section 1001, and that such willful false statements may jeopardize the validity of the above-identified application, any patent issuing thereon, or any patent to which this verified statement is directed.

CoreTek, Inc.

Date:

3/30/99

By: Parviz Tayebati  
Parviz Tayebati  
President

KR/CORE-4147.VS

CORE-4147



Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO/TITLE
09/281,406	03/30/99	TAYEBATI	P CORE-4147

0242/0423

PANDISCO & PANDISCO  
470 TOTTEN FOND ROAD  
WALTHAM MA 02451-1914

NOT ASSIGNED

2875

DATE MAILED:

04/23/99

**NOTICE TO FILE MISSING PARTS OF APPLICATION**  
*Filing Date Granted*

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of  \$65.00 for a small entity in compliance with 37 CFR 1.27, or  \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a  
 small entity (statement filed)  non-small entity is \$ 130.00.

1. The statutory basic filing fee is:

- missing.  
 insufficient.

Applicant must submit \$ \_\_\_\_\_ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

2. The following additional claims fees are due:

\$ \_\_\_\_\_ for \_\_\_\_\_ total claims over 20.

\$ \_\_\_\_\_ for \_\_\_\_\_ independent claims over 3.

\$ \_\_\_\_\_ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

3. The oath or declaration:

- Is missing or unsigned.  
 does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

7. Your filing receipt was mailed in error because your check was returned without payment.

8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

9. OTHER: \_\_\_\_\_

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

*S. J. [Signature]*  
**A copy of this notice MUST be returned with the reply.**

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

*JMB*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Parviz Tayebati et al.  
Serial No.: 09/281,406  
Filing Date: 03/30/99  
Title: OPTICAL SWITCHING AND  
ATTENUATION SYSTEMS AND  
METHODS THEREFOR  
Group Art Unit: 2875  
Examiner: Unknown  
Attorney's Docket No.: CORE-4147

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

REQUEST FOR RECORDATION

Enclosed is an Assignment of the above-identified patent application from the inventors, Parviz Tayebati, Daryoosh Vakhshoori and Masud Azimi, to CoreTek, Inc.

Would you please record the Assignment and then please return the original, recorded assignment to the below-signed attorney.

Enclosed is a check in the amount of \$40.00 to cover the fee for recording the Assignment.

Please charge any additional fees which may be due in connection with this matter, or credit any overpayment, to Deposit Account No. 16-0221. A duplicate copy of this letter is enclosed for the convenience of the Patent and Trademark Office.

Thank you.

Respectfully submitted,

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID, IN AN ENVELOPE ADDRESSED TO: ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231, ON:

AUGUST 23, 1999

(DATE OF DEPOSIT)

MARIC J. PANDISCO

(NAME OF ATTORNEY)

Mark J. Pandiscio 8/23/99

(SIGNATURE)

8/23/99

(DATE OF SIGNATURE)

MB/CORE4147.REQ

Mark J. Pandiscio  
Registration No. 30,883  
Pandiscio & Pandiscio  
470 Totten Pond Road  
Waltham, MA 02451-1914  
Tel. No. (781) 290-0060

CORDATION FORM COVER SHEET  
PATENTS ONLYU.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Tab settings ▲ ▼

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

Parviz Tayebati  
 Daryoosh Vakhshoori  
 Masud Azimi

Additional name(s) of conveying party(ies) attached?  Yes  No

## 3. Nature of conveyance:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Assignment | <input type="checkbox"/> Merger         |
| <input type="checkbox"/> Security Agreement    | <input type="checkbox"/> Change of Name |
| <input type="checkbox"/> Other _____           |   |

Execution Date: August 6, 1999

## 2. Name and address of receiving party(ies)

Name: CoreTek, Inc.

Internal Address: \_\_\_\_\_

Street Address: 25 B StreetCity: Burlington State: MA ZIP: 01803Additional name(s) & address(es) attached?  Yes  No

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

## A. Patent Application No.(s)

09/281,406

## B. Patent No.(s)

Additional numbers attached?  Yes  No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Mark J. Pandiscio

Internal Address: \_\_\_\_\_

Street Address: Pandiscio & Pandiscio470 Totten Pond RoadCity: Waltham State: MA ZIP: 02451-19146. Total number of applications and patents involved: 17. Total fee (37 CFR 3.41).....\$ 40.00 Enclosed Authorized to be charged to deposit account (any deficiencies)

## 8. Deposit account number:

16-0221

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

## 9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*Mark J. Pandiscio

Name of Person Signing

Mark J. Pandiscio

Signature

8/23/99

Date

Total number of pages including cover sheet, attachments, and document: 3Mail document to be recorded with required cover sheet information to:  
Commissioner of Patents & Trademarks, Box Assemblies

ASSIGNMENT

We, Parviz Tavebati, Daryoosh Vakhshoori,  
and Masud Azimi, residing respectively at 118 Pierce Road,  
Watertown, MA 02172, 10 Rogers Street, Apt. 205, Cambridge,  
MA 02142, and 6 Danforth Road, #9, Nashua, NH 03060,  
having invented improvements in OPTICAL SWITCHING AND ATTENUATION SYSTEMS AND\*\*  
and having this day executed an application for United States patent describing  
the same and based thereon (and we hereby authorize our attorney(s), authorized  
to prosecute said application, to here insert the filing date and serial number  
of said application, when known, Serial No. 09/281,406, Filed 03/30/99),  
for good and valuable consideration, receipt of which is hereby acknowledged  
from CoreTek, Inc. a Delaware

corporation having its principal place of business in  
Burlington, MA hereinafter called the Assignee  
(which term shall include its successors and assigns) do hereby sell, assign  
and transfer unto the Assignee our entire right, title, and interest, in and  
throughout the United States of America (including its territories and depend-  
encies) and all countries foreign thereto, in and to and under said application  
(which term shall include hereinafter where the context so admits all divisional,  
continuing, reissue and other patent applications based thereon) and the  
inventions (which term shall include each and every such invention, or any part  
thereof) therein described, and any and all patents and like rights of exclu-  
sion (including extensions thereof) of any country which may be granted on or  
for said inventions or on said application.

And for the same consideration we do also hereby sell, assign and transfer unto  
the Assignee all our rights under the International Convention for the Protec-  
tion of Industrial Property and all other treaties of like purpose in respect  
of said inventions and said application and we do hereby authorize the Assignee  
to apply in our names or its own name for patents and like rights of exclusion  
on or for said inventions in all countries, claiming (if the Assignee so de-  
sires) the priority of the filing date of said application under the provisions  
of said Convention or any such other treaty;

And for the same consideration we do hereby jointly and severally agree for  
ourselves and for our respective heirs, executors and administrators, promptly  
upon request of the Assignee, to execute and deliver without further compensa-  
tion any power of attorney, assignment, original, divisional, continuing, re-  
issue or other application or applications for patent or patents or like  
rights of exclusion of any country, or other lawful documents and any further  
assurances that may be deemed necessary or desirable by the Assignee fully to  
secure to it said right, title, and interest as aforesaid in and to said in-  
ventions, application, and said several patents and like rights of exclusion,  
or any of them, all, however, at the expense of the Assignee;

And we do hereby authorize and request the Commissioner of Patents of the  
United States of America and the corresponding Officer of each country foreign  
thereto to issue to the Assignee any and all patents and like rights of ex-  
clusion which may be granted in any country upon said application or on or for  
said inventions;

\*\*METHODS THEREFOR

DOCKET  
NO.

CORE-4147

- 1 -

And we do hereby jointly and severally covenant for ourselves and for our respective legal representatives and agree with the Assignee that we have granted no right or license to make, use or sell said inventions to anyone except the Assignee, that prior to the execution of this deed our right, title and interest in and to said inventions has not been otherwise encumbered by us, and that we have not executed and will not execute any instrument in conflict herewith.

IN WITNESS WHEREOF, we hereunto set our hands and seals on the day and year hereinafter noted.

✓ *Parviz Tayebati*

Parviz Tayebati

✓ *Daryoosh Vakhshoori*

Daryoosh Vakhshoori

✓ *Masud Azimi*

Masud Azimi

State of ✓ MA  
County of ✓ Middlesex } ss.

Before me this ✓ 6TH day of ✓ August, 1999, personally appeared Parviz Tayebati, who is to me personally known, and acknowledged the foregoing instrument to be his free act and deed.

✓  
SEAL

✓ *Roxanne T. Volpe*

NOTARY PUBLIC

ROXANNE T. VOLPE

NOTARY PUBLIC

My commission exp. Nov. 12, 1999

State of ✓ MA  
County of ✓ Middlesex } ss.

Before me this ✓ 6TH day of ✓ August, 1999, personally appeared Daryoosh Vakhshoori, who is to me personally known, and acknowledged the foregoing instrument to be his free act and deed.

✓  
SEAL

✓ *Roxanne T. Volpe*

NOTARY PUBLIC

ROXANNE T. VOLPE

NOTARY PUBLIC

My commission exp. Nov. 12, 1999

State of ✓ MA  
County of ✓ Middlesex } ss.

Before me this ✓ 6TH day of ✓ August, 1999, personally appeared Masud Azimi, who is to me personally known, and acknowledged the foregoing instrument to be his free act and deed.

✓  
SEAL

✓ *Roxanne T. Volpe*

NOTARY PUBLIC

ROXANNE T. VOLPE

NOTARY PUBLIC

My commission exp.

- 2 -

DOCKET  
NO.

CORE-4147

ANDRESCO & PANDISCO  
470 TOTTER FORD ROAD  
WALTHAM, MA 02454  
TEL: (617) 280-0200  
TELECOPIER: (617) 280-4840

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Parviz Tayebati et al.  
Serial No.: 10/167,378  
Filed: 6/11/2002  
For: OPTICAL SWITCHING AND ATTENUATION  
SYSTEMS AND METHODS THEREFOR  
Group Art Unit: 2872  
Examiner: J. Phan  
Attorney's Docket No.: CORE-4147 DIV

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**COPY**

Sir:

ASSOCIATE POWER OF ATTORNEY

Please recognize as Associate Attorney in the  
above-identified application, with full power to prosecute said  
application, to make alterations and amendments therein, and to  
transact all business in the Patent and Trademark Office  
connected therewith:

James A. Sheridan Registration No. 43,114

who may be contacted at:

Pandiscio & Pandiscio  
470 Totten Pond Road  
Waltham, MA 02451-1914  
(781) 290-0060 (voice)  
(781) 290-4840 (facsimile)

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED  
WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL,  
POSTAGE PREPAID, IN AN ENVELOPE ADDRESSED TO: COMMISSIONER  
FOR PATENTS, PO BOX 1450, ALEXANDRIA, VA 22313-1450, ON:

July 7, 2003

(DATE OF DEPOSIT)

James A. Sheridan

(NAME OF ATTORNEY)

James A. Sheridan 7/7/03

(SIGNATURE)

July 7, 2003

(DATE OF SIGNATURE)

Respectfully submitted,

  
Nicholas A. Pandiscio  
Registration No. 17,293  
Pandiscio & Pandiscio  
470 Totten Pond Road  
Waltham, MA 02451-1914  
Tel. (781) 290-0060